



# Public Notice

**U.S. Army Corps  
Of Engineers  
Galveston District**

Permit Application No: 23327  
Date Issued: 18 March 2004  
Comments Due: 19 April 2004

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## U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

**PURPOSE OF PUBLIC NOTICE:** To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

**AUTHORITY:** This application will be reviewed pursuant to Section 404 of the Clean Water Act.

**APPLICANT:** Texas Department of Transportation  
P.O. Box 1386  
Houston, Texas 77251-1386  
Telephone: 713-802-5000  
POC: Lance Olenius

**LOCATION:** The project is located at the intersections of FM 2100 and Harris Branch and Jackson Bayou, in Crosby, northeast Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Crosby, Texas. Approximate UTM Coordinates: Zone 15; Easting: 300511; Northing: 3310269.

**PROJECT DESCRIPTION:** The applicant proposes to construct a 0.86-mile overpass along FM 2100 to remove the existing intersection with the Union Pacific Railroad. The project involves the replacement of existing 10-foot by 8-foot culverts within Harris Branch and Jackson Bayou.

Also, the applicant proposes to relocate approximately 500 linear feet of a headwater tributary of Harris Branch. The headwater will be channelized to 485 linear feet in length with an 8-foot width. The sides of the headwater will vary from a 2:1 to 3:1 slope. The channelization will impact approximately 0.085 acre and the replacement channel will create approximately 0.09 acre of jurisdictional waters. A wetland delineation was conducted and verified by the Corps. No wetlands were identified along the headwater.

To compensate for impacts to the 0.7-acre riparian corridor, the applicant proposes to minimize impacts to existing trees to the extent possible. The applicant will also plant 12 trees along the northern bank of Jackson Bayou to compensate for 12 trees impacted on the southern bank. Other disturbed areas will be revegetated with sod and/or hydromulch to reduce erosion along the banks.

The applicant's plans are enclosed in 4 sheets.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This information has not been verified.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

**OTHER AGENCY AUTHORIZATIONS:** The project site is not located within the Texas Coastal Zone and therefore, does not require certification from the Texas Coastal Management Program.

**STATE WATER QUALITY CERTIFICATION:** This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

**NATIONAL REGISTER OF HISTORIC PLACES:** The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The staff archaeologist is currently coordinating with the applicant and the Texas Historic Commission for the proposed permit action.

**THREATENED AND ENDANGERED SPECIES:** Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

**PUBLIC INTEREST REVIEW FACTORS:** This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

**SOLICITATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

**PUBLIC HEARING:** Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before **19 April 2004**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections**. Comments and requests for additional information should be submitted to:

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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS